

Case 1:05-cr-00060-NGG Document 1260 Filed 05/27/11 Page 1 of 22

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**FINAL PENALTY-**  
**PHASE JURY CHARGE**  
**05-CR-060 (NGG)**

VINCENT BASCIANO,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

**I. Introduction**

Members of the jury, now that the evidence in the penalty phase of this case has been presented and the attorneys for the Government and Mr. Basciano have concluded their closing arguments, it is my responsibility to instruct you as to the law that governs this phase.

Regardless of any opinion you may have as to what the law may be or should be, it would be a violation of your oaths as jurors to base your sentencing decision upon any view of the law other than that given to you in these instructions.

Some of the legal principles that you must apply in this phase are the same as those you followed in reaching your verdict as to the guilt of this Defendant. Others are different. The instructions I am giving you now are a complete set of instructions about the law applicable to the penalty phase. I have prepared them to ensure that you clearly understand your duties during this extremely serious phase of the case. I have also prepared a Special Verdict Form that you must complete. The Special Verdict Form details special findings you must make in this phase of the case. It will help you perform your duties properly.

